

REMARKS

Status of the claims

Claims 1-11, 19, 22, and 23 are rejected. Claims 1 and 2 have been amended to specify that the nucleic acid molecule is isolated or recombinant. Support for this amendment can be found, for example, on page 3, lines 5-7 of the specification. Claim 6 has been amended to specify that the host cell comprises the nucleic acid molecule of claim 1. Support for this amendment can be found, for example, on page 6, lines 16-18 of the specification. New claim 24 has been added. Support for this new claim can be found, for example, on pages 23-24 of the specification. No new matter has been added by way of these amendments. Claims 1-11, 19, and 22-24 are pending.

The Rejections Under 35 U.S.C. § 103(a) Should be Withdrawn

Claims 1 and 4-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ben-Dov *et al.* (1996) *Appl. Environ. Microbiol.* 62:3140-3145 in view of Liu et al. (U.S. Patent 6,156,308) and further in view of Carlton *et al.* (1985) *Mol. Biol. Microb. Differ., Proc. Intl. Spore Conf.*, 9th, Meeting date 1984, pages 246-252, and further in view of deMaagd et al. (2001) *Trends Genet.* 17:193-199), and taken with the evidence of Applicants response to the Request for Information under 37 CFR 1.105.

Claims 2-3, 8-11, 19, and 22-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ben-Dov *et al.* in view of Liu et al. and further in view of Carlton *et al.* and deMaagd et al., and further in view of Koziel *et al.* (U.S. Patent 5,625,136).

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper.

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Reply to Office Action of December 6, 2010

However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 50-2510.

Respectfully submitted,

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